

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36324 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- ARARIA District- Araria

Akbar S/O Badrudeen R/O Village- Mainpur Ward No. 13, P.S- Araria
(Bargachhi O.P) Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Araria (Bairgachhi) P.S. Case No. 243 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Sections 21(a), 21(b) and 21(c) of the N.D.P.S. Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 08.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of codeine syrup, where, there is recovery of 501 litres of codeine syrup.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and his name appears in this case on the basis of disclosure made by co-accused, namely Shivanand Tatma and Sahjjad, where in



furtherance of which no illicit codeine syrup was recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as no prohibited codeine syrup as alleged was recovered from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Araria (Bairgachhi) P.S. Case No. 243 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall
not indulge in any criminal case till the



conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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